

REMARKS

Claims 1-8 have been again rejected under 35 USC 103(a) as being unpatentable over Davidson, U.S. Patent No. 4,873,717 in view of Foster, U.S. Patent No. 4,757,526. The rejection is traversed.

The Examiner has completely disregarded the Panel's decision and effectively reapplies the same rejection, using the same references, to again reject the same claims. The Examiner only expands upon his reasons to combine the reference. However, in doing so, states the combination "would be more beneficial and economical." This statement is akin to the Examiner's previous reasons for the combination, namely to "add more to the system", to which the Panel already rejected. Nor has the Examiner properly addressed the arguments presented in section B of the Pre-Appeal Brief, to which the Panel agreed.

Applicants respectfully request that the Examiner withdraw the rejection of record, as dictated by the Panel. Additionally, any forthcoming Office Action should not be made final in the interest of fairness to Applicant, and since the Examiner's current Office Action is nothing more than an attempt to run-around the Panel's findings.

Applicants remind the Examiner of the previously filed remarks, herein below, which we upheld on Pre-Appeal, and for which the Panel stated that the rejection is to be withdrawn and a new Office Action mailed.

A. The Arguments

The Examiner asserts that Davidson teaches the claimed features but does not teach or suggest a Centrex group. The Examiner relies on Foster as teaching this feature and asserts that it would have been obvious to have modified Davidson in view of Foster to provide "and extends [sic] a number of service features to the business group." On page 6 of the Final Office Action, the Examiner states that "modifying the primary reference Davidson will add more to the system. Obviously adding more features will definitely [sic] enhance the system and expands its flexibility." (See, Response to Arguments). Applicants respectfully submit that one of ordinary

skill in the art would not have been motivated to modify Davidson in view of Foster to create the claimed invention. Moreover, simply modifying a reference to “add more to the system” is not motivation, nor is it an innovation beyond normal skill and common sense.

B. The Davidson Reference Already Provides a Mechanism for Solving the Problem One Way, and One Skilled in the Art Would Not be Motivated to Modify the Reference to Solve the Problem in Another Way

Foster relates to Centrex services provided to subscribers having a main location connected to one local exchange and a remote or satellite location connected to another local exchange (col. 1, lines 11-14). Incoming calls from the outside come in via the main location exchange (col. 1, lines 14-16). Davidson, on the other hand, relates to a call coverage arrangement in which coverage personnel are informed of the switch-hook status of covered terminals by way of a single two-part indicator on the coverage terminal (abstract). Applicants submit that there would have been no reason for one to modify Davidson to provide a Centrex group. Doing so would not add anything to the system disclosed in Davidson. “The totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness.” MPEP 2145 (citing *In re Hedges*, 783 F.2d 1038, 1041 (Fed. Cir. 1986), 228 USPQ 685; “Known disadvantages in old device which would naturally discourage search for new inventions may be taken into account in determining obviousness.” MPEP 2145 (citing *United States v. Adams*, 383 US 39, 52, 148 USPQ 479, 484 (1966)); “Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle. When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.” *KSR Intern. Co.*, 127 S.Ct. at 1740.

Further, the Examiner has not pointed to any specific evidence of record which supports the stated motivation to combine these references. Merely stating that it would provide

and extend a number of services to the business group, and that modifying the primary reference will add more to the system and provide expanded flexibility does not address any of the problems sought to be addressed in Davidson. Davidson does not care about providing services to the business group, Davidson is only concerned with the switch-hook status of covered terminals. Further, Davidson is not concerned with the way in which calls are routed to remote locations (as in Foster), but rather whether it is appropriate to route calls at all, thus the switch-hook status information. The Examiner responds by stating that Davidson deals with "Call Coverage Arrangement" and therefore is not "only concerned with the switch-hook status of covered terminals." While Davidson indeed deals with a "call coverage arrangement", the coverage personnel are informed of the switch-hook status of covered terminals in the arrangement. The switch-hook aspect is essential to the invention, and without it does not operate (see, for example, the abstract). Additionally, the specification clearly notes that recognized deficiencies of the prior art include inefficient call handling afforded by call coverage arrangements that fail to inform coverage personnel of the switch-hook status of covered multiple call appearance terminals (see, for example, col. 2, lns. 31-40). Thus, it is clear that Davidson seeks to solve the long recognized deficiency in the prior art of failing to inform personnel of switch-hook status. Applicants therefore submit that one of ordinary skill in the art would not have been motivated to modify Davidson in view of Foster to create the claimed invention. Applicants request that this rejection be withdrawn.

In light of the above, Applicants respectfully submit that the rejection to claims 1-8 is improper and should be reversed by this Panel. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If any additional fees are due in connection with this application as a whole, the Office is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (118744-193) on the account statement.

Respectfully submitted,

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